



COPY OF PAPERS
ORIGINALLY FILED

PATENT APPLICATION
DOCKET NO.: 58683-00002USPX
CLIENT REF: 08-890550US

**RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)
DECLARATION AND POWER OF ATTORNEY**

FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LISTENING DEVICE**, the specification of which: (mark only one)

- ☐ (a) is attached hereto.
- ☒ (b) was filed on December 14, 2001 as Application Serial No. 10/023,109 and was amended on _____ (if applicable)
- ☐ (c) was filed as PCT International Application No. PCT/_____ on _____ and was amended on _____ (if applicable).
- ☐ (d) was filed on _____ as Application Serial No. _____ and was issued a Notice of Allowance on _____.
- ☐ (e) was filed on December 14, 2001 and bearing attorney docket number 58683-00002

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application

on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

<u>Number</u>	<u>Country</u>	<u>Month/Day/Year Filed</u>	<u>Date first</u>	<u>Date</u>	<u>Priority Claimed</u>	
			<u>laid-open or Published</u>	<u>patented or Granted</u>	<u>Yes</u>	<u>No</u>
2,357,200	CANADA	SEPT. 7, 2001				XX

I hereby claim the benefit under 35 U.S.C. § 119(e)/120/365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status(pending, abandoned, patented)</u>
---	-----------------------------	---

NONE

I hereby appoint:

TIMOTHY G. ACKERMANN, Reg. No. 44,493
 BENJAMIN J. BAI, Reg. No. 43,481
 MARY JO BOLDINGH, Reg. No. 34,713
 MARGARET A. BOULWARE, Reg. No. 28,708
 LINDA W. BROWNING, Reg. No. 48,685
 DANIEL J. BURNHAM, Reg. No. 39,618
 THOMAS L. CANTRELL, Reg. No. 20,849
 SORIENEL CIMPOES, Reg. No. 48,311
 JASON W. COOK, Reg. No. 48,456
 RONALD B. COOLLEY, Reg. No. 27,187
 THOMAS L. CRISMAN, Reg. No. 24,846
 STUART D. DWORK, Reg. No. 31,103
 WILLIAM F. ESSER, Reg. No. 38,053
 ROGER J. FRENCH, Reg. No. 27,786
 JANET M. GARETTO, Reg. No. 42,568
 MARK GATSCHET, Reg. No. 42,569
 JOHN C. GATZ, Reg. No. 41,774
 RUSSELL J. GENET, Reg. No. 42,571
 GERALD H. GLANZMAN, Reg. No. 25,035

LEKHA GOPALAKRISHNAN, Reg. No. 46,733
 J. KEVIN GRAY, Reg. No. 37,141
 STEVEN R. GREENFIELD, Reg. No. 38,166
 JOSHUA A. GRISWOLD, Reg. No. 46,310
 J. PAT HEPTIG, Reg. No. 40,643
 JOHN E. HYATT, Reg. No. 43,421
 SHARON A. ISRAEL, Reg. No. 41,867
 JOHN R. KIRK JR., Reg. No. 24,477
 PAUL R. KITCH, Reg. No. 38,206
 TIMOTHY M. KOWALSKI, Reg. No. 44,192
 JAMES F. LEA III, Reg. No. 41,143
 HSIN-WEI LUANG, Reg. No. 44,213
 ROBERT W. MASON, Reg. No. 42,848
 ROGER L. MAXWELL, Reg. No. 31,855
 LISA H. MEYERHOFF, Reg. No. 36,869
 STANLEY R. MOORE, Reg. No. 26,958
 MARK V. MULLER, Reg. No. 37,509
 P. WESTON MUSSELMAN JR. Reg. No. 31,644
 RAMA B. NATH, Reg. No. 27,072
 DANIEL G. NGUYEN, Reg. No. 42,933

MICHAEL K. NUTTER, Reg. No. 44,979
 SPENCER C. PATTERSON, Reg. No. 43,849
 CONSTANCE L. PIELECH, Reg. No. 46,991
 RUSSELL N. RIPPAMONTI, Reg. No. 39,521
 ROSS T. ROBINSON, Reg. No. 47,031
 STEPHEN G. RUDISILL, Reg. No. 20,087
 HOLLY L. RUDNICK, Reg. No. 43,065
 JERRY R. SELINGER, Reg. No. 26,582
 JAMES O. SKARSTEN, Reg. No. 28,346
 ZACHARY J. SMOLINSKI, Reg. No. 47,100
 GARY B. SOLOMON, Reg. No. 44,347
 JUSTIN SWINDELLS, Reg. No. 48,733
 STEVE Z. SZCZEPANSKI, Reg. No. 27,957
 ANDRE M. SZUWALSKI, Reg. No. 35,701
 ALAN R. THIELE, Reg. No. 30,694
 CYNTHIA THOMPSON, Reg. No. 48,655
 TAMSEN VALOIR, Reg. No. 41,417
 BRIAN D. WALKER, Reg. No. 37,751
 GERALD T. WELCH, Reg. No. 30,332
 HAROLD N. WELLS, Reg. No. 26,044
 WILLIAM D. WIESE, Reg. No. 45,217

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.


Please address all correspondence and direct all telephone calls to:

Brian D. Walker, Esq.
Jenkins & Gilchrist, P.C.
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799
214/855-4500
214/855-4300 (fax)


COPY OF PAPERS
ORIGINALLY FILED

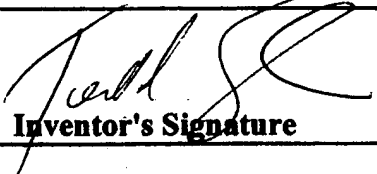
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAMED INVENTOR(S)

1	Jakob NIELSEN		24/1-2002
	Full Name	Inventor's Signature	Date
	55 William Street, East, Apt. 214 Waterloo, ON, Canada, N2L 1J6		
	Residence (city, state, country)	Danish Citizenship	
	55 William Street, East, Apt. 214 Waterloo, ON, Canada, N2L 1J6		
	Post Office Address (include zip code)		

(FOR ADDITIONAL INVENTORS, check here X and add additional sheet for inventor information regarding signature, name, date, citizenship, residence and address)

2	Robert BRENNAN		Jan 24 2002
	Full Name	Inventor's Signature	Date
	42 Forest Breeze Court Kitchener, ON, Canada, N2N 3H9 Residence (city, state, country)		
	42 Forest Breeze Court Kitchener, ON, Canada, N2N 3H9 Post Office Address (include zip code)		Canadian Citizenship

3	Todd SCHNEIDER		24 JAN 2002
	Full Name	Inventor's Signature	Date
	468 Stillmeadow Circle Waterloo, ON, Canada, N2L 5M3 Residence (city, state, country)		
			Canadian Citizenship
	468 Stillmeadow Circle Waterloo, ON, Canada, N2L 5M3 Post Office Address (include zip code)		